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DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATIONS

PATENT

Doc. No.: 39485/SAH/C715

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SINGLE MODE VERTICAL CAVITY SURFACE EMITTING LASER, the specification of which is attached hereto unless the following is checked:

X was filed on June 2, 2000 as United States Application Number or PCT International Application Number ___ and was amended on ___ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of the foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Application Number</u>	<u>Country</u>	<u>Filing Date (day/month/year)</u>	<u>Priority Claimed</u>
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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

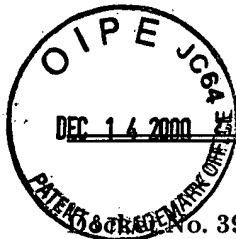
<u>Application Number</u>	<u>Filing Date</u>
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60/137,093	June 2, 1999
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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>Application Number</u>	<u>Filing Date</u>	<u>Patented/Pending/Abandoned</u>
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POWER OF ATTORNEY: I hereby appoint the following attorneys and agents of the law firm CHRISTIE, PARKER & HALE, LLP to prosecute this application and any international application under the Patent Cooperation Treaty based on it and to transact all business in the U.S. Patent and Trademark Office connected with either of them in accordance with instructions from the assignee of the entire interest in this application;



**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATIONS**

Patent No. 39485/SAH/C715

or from the first or sole inventor named below in the event the application is not assigned; or from __ in the event the power granted herein is for an application filed on behalf of a foreign attorney or agent.

R. W. Johnston	(17,968)	Gregory S. Lampert	(35,581)	Cynthia A. Bonner	(44,548)
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Richard J. Ward, Jr.	(24,187)	Daniel R. Kimbell	(34,849)	John F. O'Rourke	(38,985)
Russell R. Palmer, Jr.	(22,994)	Craig A. Gelfound	(41,032)	Richard J. Paciulan	(28,248)
LeRoy T. Rahn	(20,356)	Syed A. Hasan	(41,057)	Josephine E. Chang	(46,083)
Richard D. Seibel	(22,134)	Kathleen M. Olster	(42,052)	Frank L. Cire	(42,419)
Walter G. Maxwell	(25,355)	Daniel M. Cavanagh	(41,661)	Harold E. Wurst	(22,183)
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David A. Dillard	(30,831)	Lucinda G. Auciello	(42,270)	Derrick W. Reed	(40,138)
Thomas J. Daly	(32,213)	Norman E. Carte	(30,455)	John W. Peck	(44,284)
Vincent G. Gioia	(19,959)	Joel A. Kauth	(41,886)	Stephen D. Burbach	(40,285)
Edward R. Schwartz	(31,135)	Patrick Y. Ikehara	(42,681)	David B. Sandelands, Jr.	(46,023)
John D. Carpenter	(34,133)	Mark Garscia	(31,953)	Heidi L. Eisenhut	(46,812)
David A. Plumley	(37,208)	Gary J. Nelson	(44,257)	Nicholas J. Pauley	(44,999)
Wesley W. Monroe	(39,778)	Raymond R. Tabandeh	(43,945)	Mark J. Marcelli	(36,593)

The authority under this Power of Attorney of each person named above shall automatically terminate and be revoked upon such person ceasing to be a member or associate of or of counsel to that law firm.

DIRECT TELEPHONE CALLS TO : Art Hasan, 626/795-9900

**SEND CORRESPONDENCE TO : CHRISTIE, PARKER & HALE, LLP
P.O. Box 7068, Pasadena, CA 91109-7068**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor John G. Wasserbauer	Inventor's signature <i>John G. Wasserbauer</i>	Date 12/6/00
Residence and Post Office Address 1386 Flannagan Court, Erie, CO. 80516		Citizenship USA

Full name of second joint inventor Jeffrey W. Scott	Inventor's signature <i>Jeffrey W. Scott</i>	Date 12/15/00
Residence and Post Office Address 1085 Miami Way, Boulder, CO. 80303		Citizenship USA

Received: 12/ 8/00 4:45PM;

Cielo Communications Inc.; Page 2

DEC 08 '00 16:43 TO-913034603820

FROM-

T-409 P.02/03 F-065



Docket No.

: 39485/SAH/C715

CHRISTIE, PARKER & HALE, LLP
Post Office Box 7068
Pasadena, CA 91109-7068
(826) 795-9900

Applicant or Patentee

: John G. Wasserbauer, et al.

Application or Patent No.:

09/587,074

Filed or Issued

: June 2, 2000

Entitled

SINGLE MODE VERTICAL CAVITY SURFACE EMITTING LASER

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37) CFR 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

X an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN : Cielo Communications, Inc.

ADDRESS OF SMALL BUSINESS CONCERN : 325 Interlocken Parkway, Bld. A
Broomfield, Colorado 80021

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **SINGLE MODE VERTICAL CAVITY SURFACE EMITTING LASER** by inventor(s) **John G. Wasserbauer and Jeffrey W. Scott** described in

the specification filed herewith

X Application No. 09/587,074 filed June 2, 2000Patent No. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME :

ADDRESS :

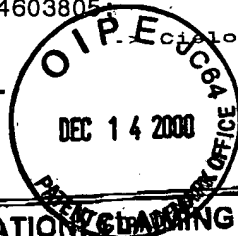
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

Received: 12/ 8/00 4:47PM;

DEC 08 '00 16:44 TO-913034603820

FROM-

T-409 P.03/03 F-065



VERIFIED STATEMENT (DECLARATION) REGARDING SMALL ENTITY STATUS
(37) CFR 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN

Docket No.: 39485/SAH/C715

NAME :

ADDRESS :

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Mark Harrington
TITLE OF PERSON IF OTHER THAN OWNER : Chief Financial Officer
ADDRESS OF PERSON SIGNING : 325 Interlocken Parkway - Bldg. A
Broomfield, Colorado 80021

SIGNATURE Mark Harrington DATE 12/8/00

SAH/jhg